



House of Representatives

General Assembly

File No. 154

February Session, 2014

House Bill No. 5304

House of Representatives, March 27, 2014

The Committee on Children reported through REP. URBAN of the 43rd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT PREVENTING HOMELESSNESS FOR YOUTH UNDER THE CARE OF THE COMMISSIONER OF CHILDREN AND FAMILIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) For purposes of this
2 section, "child" has the same meaning as provided in section 17a-93 of
3 the general statutes.

4 (b) The Department of Children and Families shall not discharge a
5 child from the care and custody of the department unless (1) such child
6 has a residence other than a shelter for adults, shelter for families or
7 single-room occupancy hotel, and (2) the department has a reasonable
8 expectation that the residence will remain available to the child for not
9 less than twelve months from the date the child is discharged.

10 (c) The provisions of subsection (b) of this section shall not apply to
11 any child who (1) has been placed in a residential facility or group
12 home, (2) is a member of the military or job corps, (3) is a full-time
13 student in a post-secondary educational institution, or (4) has refused

14 the care and custody of the department.

15 (d) Each child who is eighteen years of age or older and has been
16 released from the care and custody of the department shall remain in
17 aftercare for not less than forty-five days after such release. During the
18 period of aftercare, the department shall provide case management
19 services to the child. In the event that the child becomes homeless or at
20 risk of homelessness, as defined in section 17a-484a of the general
21 statutes, during the period of aftercare, the department shall assist the
22 child in obtaining a residence other than a shelter for adults, shelter for
23 families or single-room occupancy hotel.

24 (e) The provisions of subsection (d) of this section shall not apply
25 when (1) the department's duty of care and custody over the child is
26 terminated by a court order, or (2) the child is twenty-one years of age
27 or older.

28 Sec. 2. Section 46b-136 of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective October 1, 2014*):

30 (a) In any proceeding in a juvenile matter, the judge before whom
31 such proceeding is pending shall, even in the absence of a request to
32 do so, provide an attorney to represent the child or youth, the child's
33 or youth's parent or parents or guardian, or other person having
34 control of the child or youth, if such judge determines that the interests
35 of justice so require, and in any proceeding in which the custody of a
36 child is at issue, such judge shall provide an attorney to represent the
37 child and may authorize such attorney or appoint another attorney to
38 represent such child or youth, parent, guardian or other person on an
39 appeal from a decision in such proceeding.

40 (b) In any proceeding in which a child or youth who has been
41 released from the care and custody of the Department of Children and
42 Families as a result of (1) a denial, suspension or termination of
43 benefits, or (2) a determination by the superior court for juvenile
44 matters that the department's continuation of care and custody is not
45 in the child or youth's best interest pursuant to subdivision (5) of

46 subsection (j) of section 46b-129, the judge before whom such
47 proceeding is pending shall, even in the absence of a request to do so,
48 provide an attorney to represent the child or youth, if such judge
49 determines that the interests of justice so require, provided the child or
50 youth consents to the representation.

51 (c) Where, under the provisions of this section, the court so appoints
52 counsel for any such party who is found able to pay, in whole or in
53 part, the cost thereof, the court shall assess as costs against such
54 parents, guardian or custodian, including any agency vested with the
55 legal custody of the child or youth, the expense so incurred and paid
56 by the Division of Public Defender Services in providing such counsel,
57 to the extent of their financial ability to do so. The Division of Public
58 Defender Services shall establish the rate at which counsel provided
59 pursuant to this section shall be compensated.

60 Sec. 3. Subsection (k) of section 46b-129 of the 2014 supplement to
61 the general statutes is repealed and the following is substituted in lieu
62 thereof (*Effective October 1, 2014*):

63 (k) (1) Nine months after placement of the child or youth in the care
64 and custody of the commissioner pursuant to a voluntary placement
65 agreement, or removal of a child or youth pursuant to section 17a-101g
66 or an order issued by a court of competent jurisdiction, whichever is
67 earlier, the commissioner shall file a motion for review of a
68 permanency plan if the child or youth has not reached his or her
69 eighteenth birthday. Nine months after a permanency plan has been
70 approved by the court pursuant to this subsection or subdivision (5) of
71 subsection (j) of this section, the commissioner shall file a motion for
72 review of the permanency plan. Any party seeking to oppose the
73 commissioner's permanency plan, including a relative of a child or
74 youth by blood or marriage who has intervened pursuant to
75 subsection (d) of this section and is licensed as a foster parent for such
76 child or youth or is vested with such child's or youth's temporary
77 custody by order of the court, shall file a motion in opposition not later
78 than thirty days after the filing of the commissioner's motion for

79 review of the permanency plan, which motion shall include the reason
80 therefor. A permanency hearing on any motion for review of the
81 permanency plan shall be held not later than ninety days after the
82 filing of such motion. The court shall hold evidentiary hearings in
83 connection with any contested motion for review of the permanency
84 plan and credible hearsay evidence regarding any party's compliance
85 with specific steps ordered by the court shall be admissible at such
86 evidentiary hearings. The commissioner shall have the burden of
87 proving that the proposed permanency plan is in the best interests of
88 the child or youth. After the initial permanency hearing, subsequent
89 permanency hearings shall be held not less frequently than every
90 twelve months while the child or youth remains in the custody of the
91 Commissioner of Children and Families or, if the youth is over
92 eighteen years of age, while the youth remains in voluntary placement
93 with the department. The court shall provide notice to the child or
94 youth, the parent or guardian of such child or youth, and any
95 intervenor of the time and place of the court hearing on any such
96 motion not less than fourteen days prior to such hearing.

97 (2) At a permanency hearing held in accordance with the provisions
98 of subdivision (1) of this subsection, the court shall approve a
99 permanency plan that is in the best interests of the child or youth and
100 takes into consideration the child's or youth's need for permanency.
101 The child's or youth's health and safety shall be of paramount concern
102 in formulating such plan. Such permanency plan may include the goal
103 of (A) revocation of commitment and reunification of the child or
104 youth with the parent or guardian, with or without protective
105 supervision; (B) transfer of guardianship or permanent legal
106 guardianship; (C) long-term foster care with a relative licensed as a
107 foster parent; (D) filing of termination of parental rights and adoption;
108 or (E) another planned permanent living arrangement ordered by the
109 court, provided the Commissioner of Children and Families has
110 documented a compelling reason why it would not be in the best
111 interests of the child or youth for the permanency plan to include the
112 goals in subparagraphs (A) to (D), inclusive, of this subdivision. Such
113 other planned permanent living arrangement may include, but not be

114 limited to, placement of a child or youth (i) in an independent living
115 program, [or] (ii) in long term foster care with an identified foster
116 parent, or (iii) with an adult who has a significant connection to the
117 child or youth and is willing to provide a permanent living
118 arrangement for the child or youth.

119 (3) At a permanency hearing held in accordance with the provisions
120 of subdivision (1) of this subsection, the court shall review the status of
121 the child, the progress being made to implement the permanency plan,
122 determine a timetable for attaining the permanency plan, determine
123 the services to be provided to the parent if the court approves a
124 permanency plan of reunification and the timetable for such services,
125 and determine whether the commissioner has made reasonable efforts
126 to achieve the permanency plan. The court may revoke commitment if
127 a cause for commitment no longer exists and it is in the best interests of
128 the child or youth.

129 (4) If the court approves the permanency plan of adoption: (A) The
130 Commissioner of Children and Families shall file a petition for
131 termination of parental rights not later than sixty days after such
132 approval if such petition has not previously been filed; (B) the
133 commissioner may conduct a thorough adoption assessment and
134 child-specific recruitment; and (C) the court may order that the child
135 be photo-listed within thirty days if the court determines that such
136 photo-listing is in the best interests of the child. As used in this
137 subdivision, "thorough adoption assessment" means conducting and
138 documenting face-to-face interviews with the child, foster care
139 providers and other significant parties and "child specific recruitment"
140 means recruiting an adoptive placement targeted to meet the
141 individual needs of the specific child, including, but not limited to, use
142 of the media, use of photo-listing services and any other in-state or
143 out-of-state resources that may be used to meet the specific needs of
144 the child, unless there are extenuating circumstances that indicate that
145 such efforts are not in the best interests of the child.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2014</i>	New section
Sec. 2	<i>October 1, 2014</i>	46b-136
Sec. 3	<i>October 1, 2014</i>	46b-129(k)

KID *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Children & Families, Dept.	GF - Cost	greater than 1.6 million	greater than 1.6 million
Pub. Defender Serv. Com.	GF - Potential Savings	See Below	See Below

Municipal Impact: None

Explanation

The bill results in an annual cost to the Department of Children and Families (DCF) of greater than \$1.6 million and potential savings to the Public Defender Services Commission.

The bill requires children 18 years of age or older who are released from DCF custody to remain in aftercare for at least 45 days after being released. During the aftercare period, DCF must provide case management services to the child and, if he or she becomes or risks becoming homeless during that period, the department must assist him or her to obtain a residence other than a shelter or single-room occupancy hotel. DCF's Young Adult Supportive Housing Program (YASH) provides intensive case management, temporary rental assistance and independent living skills training to youth struggling to maintain safe and stable housing after leaving DCF foster care. FY 15 funding of \$1.5 million for this purpose is included in the FY 14 and FY 15 Biennial Budget, which is anticipated to support 36 such youths in that fiscal year. It is estimated that 336 individuals in DCF care and custody will turn 18 in FY 15. Requiring aftercare for an additional 300 individuals, for a minimum of 45 days, results in an annual cost to

DCF of \$1.6 million at minimum, based on the YASH cost per youth, per day of \$115.35.

The bill also prohibits DCF from discharging a “child” from its custody unless (1) the child has a residence other than a shelter for adults or families or a single-room occupancy hotel and (2) DCF reasonably expects that the residence will remain available to the child for at least 12 months after he or she is discharged.¹ For purposes of this provision, a “child” is any person under eighteen years of age² or any person under twenty-one years of age who is in full-time attendance in a secondary school, a technical school, a college or a state-accredited job training program. While foster care children over 18 that are enrolled full-time in such a school or program (and meet certain other requirements) can receive a monthly subsidy equivalent to the in-state tuition, room and board and fees at Central Connecticut State University until age 23, individuals in DCF’s care and custody in residential placements are not eligible for this subsidy. They would be eligible for DCF support under the bill. The cost to support these individuals, until they either cease full-time enrollment or reach 21 years of age, would be significant. DCF provided \$4.8 million in post-secondary support for DCF foster care youth in FY 13.

Potential savings to the Public Defender Services Commission are indicated as the bill requires a judge in certain proceedings involving a child released from DCF custody to obtain their consent before providing them with legal representation. This may result in savings to the Public Defender Services Commission if a child is indigent and refuses legal counsel. Contracted public defenders receive \$500 for each client.

The Out Years

¹This requirement does not apply when (1) a court terminates DCF’s custody or (2) the child is age 21 or older.

²DCF does not release children under 18 from its care and custody that do not have stable housing.

The ongoing fiscal impact identified above would continue into the future subject to the number of children in DCF's care and custody that turn 18 who are not already placed in a residential facility or group home, in the military or job corps, enrolled full-time in post-secondary education or that have refused DCF care and custody that will receive aftercare and, potentially, additional housing supports. Further, additional costs will be incurred by the agency for DCF children that turn 18 while in DCF residential care and go on to full-time enrollment in a secondary school, a technical school, a college or a state-accredited job training program. Savings of \$500 per indigent child will be realized by the Public Defender Services Commission to the extent that indigent children refuse legal counsel in certain proceedings.

OLR Bill Analysis**HB 5304*****AN ACT PREVENTING HOMELESSNESS FOR YOUTH UNDER THE CARE OF THE COMMISSIONER OF CHILDREN AND FAMILIES.*****SUMMARY:**

This bill (1) with certain exceptions, prohibits the Department of Children and Families (DCF) from discharging from its custody any child who does not have a long-term residence other than a shelter or a single-room occupancy hotel and (2) requires children age 18 or older released from DCF custody to remain in aftercare for at least 45 days after release, during which time DCF must provide case management services to the child.

It also requires a judge in certain proceedings involving a child or youth released from DCF custody to get the child's or youth's consent before providing him or her with legal representation. Current law allows a judge to appoint legal representation for a child without the child's consent in any juvenile matter in which the judge determines the interests of justice require it.

The law allows a child to be placed in a planned permanent living arrangement under a DCF permanency plan and provides as examples placement in (1) an independent living program or (2) long-term foster care with an identified foster parent. The bill specifically allows, as an additional example of such an arrangement, placement with an adult who has a significant connection to the child or youth and is willing to provide the child a permanent living arrangement. (A permanency plan states what permanent outcome DCF feels is in the child's or youth's best interest and the facts on which DCF based that position.)

EFFECTIVE DATE: October 1, 2014

DCF DISCHARGE AND AFTERCARE

The bill prohibits DCF from discharging a child from its custody unless (1) the child has a residence other than a shelter for adults or families or a single-room occupancy hotel and (2) the department reasonably expects that the residence will remain available to the child for at least 12 months after he or she is discharged. For purposes of the bill's discharge and aftercare provisions, a "child" is anyone under age 18, or anyone under age 21 attending secondary or technical school, college, or state-accredited job training program full-time.

The prohibition does not apply to a child who (1) DCF placed in a residential facility or group home, (2) is in the military or job corps, (3) is a full-time post-secondary student, or (4) has refused DCF care and custody.

The bill requires children age 18 or older who are released from DCF custody to remain in aftercare for at least 45 days after being released. During the aftercare period, DCF must provide case management services to the child and, if he or she becomes or risks becoming homeless during that period, the department must assist him or her to obtain a residence other than a shelter or single-room occupancy hotel. This requirement does not apply when (1) a court terminates DCF's custody or (2) the child is age 21 or older. (But the definition of child above does not apply to anyone age 21 or older.)

COURT-ORDERED LEGAL REPRESENTATION

The bill requires a judge appointing legal representation for a child or youth in a proceeding to get the child's or youth's consent before doing so if the child or youth was released from DCF custody because of (1) a denial, suspension, or termination of benefits or (2) a juvenile court decision that the department's continued custody is not in the child's or youth's best interest under a permanent legal guardianship order (an order that places an abused or neglected child or youth with a guardian until age 18 without terminating parental rights). Currently, a judge may appoint such representation without the child's or youth's consent in any case in which he or she determines the

interest of justice so requires.

COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 12 Nay 0 (03/11/2014)